

### **REMARKS**

This Amendment is submitted in reply to the Office Action dated September 28, 2007. Applicant respectfully requests reconsideration and further examination of the patent application under 37 C.F.R. § 1.111.

#### **Summary of the Examiner's Objections and Rejections**

Claims 1-41 were rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks (US 5,659,350).

#### **Summary of Amendment**

Applicant has amended Claims 1, 8, 15, 19, 24, 29, 33 and 40-41, and added new Claims 42-53 to more particularly define the present invention. Applicants have amended Claims 8, 19 and 29 to correct various grammatical errors. No new subject matter has been added.

#### **Remarks regarding § 102(b) rejections**

Applicant respectfully submits that amended independent Claims 1, 15, 24, 33 and 40-41 and new independent Claims 42 and 48 are patentable over Hendricks. The amended independent Claim 1 (for example) recites the following:

1. (Currently Amended) A broadcasting system for receiving a plurality of programs from different programming sources comprising:

a plurality of first receivers receiving the plurality of programs as analog and digital signals;

a master control unit coupled to the plurality of receivers, the master control unit comprising an analog to digital converter, a storage server, a plurality of playback stations, compression and encryption processors, a multiplexer and a control unit, the control unit adapted to provide programming instructions to store, process, compress, encrypt, monitor and generate an output signal comprising the plurality of programs in a predetermined format, wherein the control unit further adapted to provide programming instructions for the plurality of playback stations to add commercials to the plurality of programs; and

a transmitter coupled to the master control unit transmitting the output signal to a plurality of second receivers, wherein at least one of the second receivers is associated with a local television station operator (emphasis added on main distinguishing limitations).

Note: Independent Claims 15, 24, 33, 40-42 and 48 recite the same or similar distinguishing limitations.

The teaching of Hendricks differs significantly from the broadcasting system recited in amended independent Claim 1. The claimed broadcasting system recites several new limitations where the playback stations add commercials to the programs which form the output signal which is transmitted to at least one local television station operator. Applicant respectfully submits that Hendricks at a minimum does not disclose these newly added limitations. In particular, Hendricks discloses the following:

This invention is a center for controlling the operations of a digital television program delivery system. Specifically, the present invention is an Operations Center that allows for the organizing and packaging of television programs for transmission in a television delivery system.

The Operations Center is the nerve center of the television program delivery system. It receives data on viewership behavior and utilizes the data to assist in packaging programs for future viewing. The Operations Center is a particularly useful invention for television delivery systems which will provide users with the ability to select programs from on-screen menus.

The Operations Center's primary component is a computer assisted packaging system (CAP), which makes use of the necessary hardware and software to control and transmit programming signals over a television delivery system. This computer assisted packaging system creates the program lineup or packaging of programs and the packaging of menu and control information for later transmission and use in the cable television systems. The CAP can be specially designed to generate graphical menu displays for user selection of programs. The hardware and software for controlling and transmitting programming signals over the television delivery system is particularly useful in large television delivery systems which include satellite transmissions to cable headends.

The software of the CAP performs the functions of gathering analog (and/or digital) program signals from a variety of sources such as broadcast television, premium channels, and video disk. The software also packages the programs efficiently for the available bandwidth and for subscriber viewing through computer assisted creation of program line-up and allocating of bandwidth. The line-ups are created to effectively group programming for display in menus by categories. The television programs are packaged with the program control information (such as cost for viewing certain program) and menu information.

The operations center 202 may also "insert" directions for filling local available program time in the packaged signal to enable local cable and television companies to fill the program time with local advertising and/or local programming. Consequently, the local cable headends 208 are not constrained to show only programs transmitted from the operations center 202. New set top converters will incorporate both digital and analog channels. Therefore, the cable headend 208 may combine analog signals with the digital signals prior to transmitting the program signals to the set top terminals 220. (emphasis added)

(see col. 3, lines 5-42 and col. 8, lines 4-14).

As can be seen, Hendricks fails to disclose the claimed limitation where at least one local television station operator receives the output signal and instead discloses where the packaged signal is sent to cable headends. Moreover, Hendricks fails to disclose the claimed limitation where commercials are added to the programs which form the output signal and instead discloses where the operation center does not add

commercials to the programs but leaves it to the local cable and television companies to add the local advertising to the programs. In fact, Hendricks states it is an advantage that the local cable headends have to add the local advertising since in this way they would not be constrained to show only programs transmitted from the operations center. In view of the foregoing, Applicant respectfully submits that amended independent Claim 1 and the other amended independent Claims 15, 24, 33, 40-42 and 48 and their associated dependent Claims 2-14, 16-23, 25-32, 34-39, 43-47 and 49-53 are patentable over Hendricks.

#### **Conclusion/ Discussion about Dependent Claims**

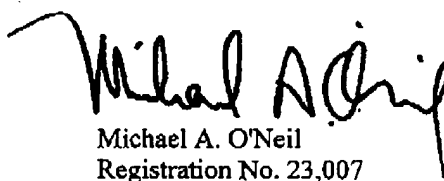
Applicant respectfully submits that all of the stated grounds of rejections have been properly traversed, accommodated, or rendered moot. In addition, Applicant respectfully submits that Hendricks fails to disclose the following claimed subject matter:

- The adding of a local emergency access system feed to at least one of a plurality of single channels--Dependent Claims 43 and 49 (Hendricks does not teach the adding of commercials or local emergency access system feeds to the packaged program).
- The monitoring and controlling of the allocation of an available bandwidth among the channels when generating the output signal--Dependent Claims 47 and 53.

Accordingly, Applicants respectfully request allowance of the pending Claims 1-53.

The Commissioner is hereby authorized to charge \$570 which is the fee for the one-month extension of time and new claims 42-53 to Deposit Account No. 50-0856. If this is incorrect, the Commissioner is authorized to charge any fees which may be required for this paper to Deposit Account No. 50-0856.

Respectfully submitted,



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